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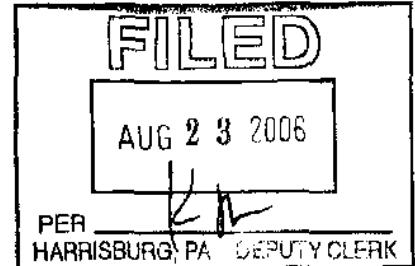
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) CRIMINAL NO. 1:06-cr-287
)
 v.) (Judge Kane)
)
 NICHOLAS AQUINO)

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT I



On or about July 1, 2005, in Cumberland County, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

NICHOLAS AQUINO

knowingly and willfully committed a robbery affecting interstate commerce, in that he robbed persons and a business in and affecting interstate commerce, unlawfully taking cash and other property from these persons and this business against their will at gunpoint by means of actual and threatened force and violence.

All in violation of Title 18, United States Code, Section 1951(a).

THE GRAND JURY FURTHER CHARGES THAT:

COUNT II

On or about July 16, 2005, in Dauphin County, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

NICHOLAS AQUINO

knowingly and willfully committed a robbery affecting interstate commerce, in that he robbed persons and a business in and affecting interstate commerce, unlawfully taking cash and other property from these persons and business against their will at gunpoint by means of actual and threatened force and violence.

All in violation of Title 18, United States Code, Section 1951(a).

THE GRAND JURY FURTHER CHARGES THAT:

COUNT III

On or about July 23, 2005, in Cumberland County, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

NICHOLAS AQUINO

knowingly and willfully committed a robbery affecting interstate commerce, in that he robbed persons and a business in and affecting interstate commerce, unlawfully taking cash and other property from these persons and business against their will at gunpoint by means of actual and threatened force and violence.

All in violation of Title 18, United States Code, Section 1951(a).

THE GRAND JURY FURTHER CHARGES THAT:

COUNT IV

On or about July 23, 2005, in Cumberland County, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

NICHOLAS AQUINO

did intentionally and knowingly use, carry, possess, and brandish firearms during, in relation to, and in furtherance of a crime of violence for which he may be prosecuted in a Court of the United States; namely, the robbery of the Weis Market, a robbery which obstructed, delayed and affected interstate commerce, in that the Weis Market does business in and affecting interstate commerce, in violation of Title 18, United States Code, Section 1951(a), and did aid and abet the same.

All in violation of Title 18, United States Code, Sections 924(c) and 2.

THE GRAND JURY FURTHER CHARGES THAT:

COUNT V

On or about August 21, 2005, in Cumberland County, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

NICHOLAS AQUINO

knowingly and willfully attempted to commit a robbery affecting interstate commerce, in that he attempted to rob persons and a business in and affecting interstate commerce, unlawfully attempting to take cash and other property from these persons and business against their will at gunpoint by means of actual and threatened force and violence.

All in violation of Title 18, United States Code, Section 1951(a).

THE GRAND JURY FURTHER CHARGES THAT:

COUNT VI

On or about September 6, 2005, in Cumberland County, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

NICHOLAS AQUINO

knowingly and willfully committed a robbery affecting interstate commerce, in that he robbed persons and a business in and affecting interstate commerce, unlawfully taking cash and other property from these persons and business against their will at gunpoint by means of actual and threatened force and violence.

All in violation of Title 18, United States Code, Section 1951(a).

THE GRAND JURY FURTHER CHARGES THAT:

COUNT VII

On or about September 6, 2005, in Cumberland County, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

NICHOLAS AQUINO

did intentionally and knowingly use, carry, possess and brandish firearms during, in relation to, and in furtherance of a crime of violence for which he may be prosecuted in a Court of the United States; namely, the robbery of the Weis Market, a robbery which obstructed, delayed and affected interstate commerce, in that the Weis Market does business in and affecting interstate commerce, in violation of Title 18, United States Code, Section 1951(a), and did aid and abet the same.

All in violation of Title 18, United States Code, Sections 924(c) and 2.

THE GRAND JURY FURTHER CHARGES THAT:

COUNT VIII

On or about July 1, 2005 through September 6, 2005, in Cumberland and Dauphin Counties, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

NICHOLAS AQUINO

knowingly and intentionally attempted, combined, conspired, confederated and agreed, with persons known and unknown to the grand jury, to commit the following offense(s) against the United States: Title 18, United States Code, Section 1951(a).

MANNER AND MEANS OF THE CONSPIRACY

1. It was part of the conspiracy to rob businesses at gunpoint in the areas of Cumberland County and Dauphin County, Pennsylvania.
2. It was further part of the conspiracy to use firearms while committing the robberies.

OVERT ACTS

In furtherance of the conspiracy, and to effect and accomplish the objects of it, one or more of the conspirators committed the following overt acts:

1. On July 1, 2005, the defendant and Paul Butler entered Cronies, Wormleysburg, Pennsylvania, after the establishment closed, displayed a firearm, duct taped an employee, and robbed the establishment of approximately \$5,000 in U.S. Currency.

2. On July 16, 2005, the defendant and Paul Butler entered Croc-n-berry's, Susquehanna Township, Pennsylvania, after the establishment closed, displayed a firearm, duct taped an employee, and robbed the establishment of approximately \$11,000 in U.S. Currency.

3. On July 23, 2005, the defendant and Paul Butler entered Weis Market, Carlisle, Pennsylvania, just before the establishment closed, displayed firearms, duct taped multiple employees, and robbed the establishment of approximately \$25,000 in U.S. Currency.

4. On August 21, 2005, the defendant and Paul Butler entered Sierra Madre Restaurant, Hampden Township, Pennsylvania, after the establishment closed, displayed a firearm, and attempted to bind the employees before a security alarm caused them to leave the establishment.

5. On September 6, 2005, the defendant entered Weis Market, East Pennsboro Township, Pennsylvania, in the early morning hours while the establishment was being

cleaned, displayed a firearm, duct taped an employee, and robbed the establishment of approximately \$18,000 in U.S. Currency.

All in violation of Title 18, United States Code, Section 1951(a).

A TRUE BILL


FOREPERSON

8-23-06

DATE

Thomas A. Marino
THOMAS A. MARINO *BY Mcc*
UNITED STATES ATTORNEY